

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

NEBCO, INC., a Nebraska corporation; and  
CONSTRUCTORS, INC., a Nebraska  
corporation;

**4:22CV3217**

Plaintiffs,

vs.

TED C. BUTLER, an individual; EMILY  
DOESCHOT, an individual; and ZACHARY  
VAISKUNAS, an individual;

**AMENDED PROGRESSION ORDER**

Defendants.

IT IS ORDERED that the Joint Motion to Extend Progression is granted as amended during the status call on April 11, 2025. (Filing No. 196). The final progression order is amended as follows:

- 1) The trial and pretrial conference will not be set at this time. A status conference to discuss case progression, the parties' interest in settlement, and the set the dates for the trial and pretrial conference will be held with the undersigned magistrate judge on **July 10, 2025 at 10:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for filing motions to compel written discovery regarding current discovery is April 15, 2025. Motions to compel written discovery under Rules 33, 34, 36, and 45 regarding the three recently described storage drives and independent third-party analysis must be filed by May 30, 2025.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

3) The deadlines for complete expert disclosures<sup>1</sup> for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), related to the storage drives are:

For the plaintiff(s): May 15, 2025.

For the defendant(s): June 16, 2025.

4) As provided in Filing No. 193, the deadlines for complete expert disclosures for Defendants' damages expert expected to testify at trial are:

For the plaintiff(s): May 15, 2025.

For the defendant(s): June 16, 2025.

5) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is August 1, 2025.

6) The deadline for filing motions to dismiss and motions for summary judgment is September 15, 2025.

7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is September 30, 2025.

8) Motions in limine shall be filed twenty-eight days before trial. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.

9) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.

10) Deadlines not specifically amended by this order are unchanged. All requests for changes of deadlines or settings established herein shall be directed to the

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<sup>1</sup> While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed. Absent exceptional good cause, no further extensions of case progression deadlines will be granted.

Dated this 11th day of April, 2025.

BY THE COURT:

s/ Ryan C. Carson  
United States Magistrate Judge